

Middlebury College

ADA Accessibility Issues and Recommendations



Prepared for
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EXECUTIVE SUMMARY

Middlebury College has many more people with disabilities on its campus and has more unresolved accessibility issues than is generally known. In spite of the hilly terrain and severe winter climate, people with disabilities choose to go to Middlebury College for all the same reasons as their able-bodied peers – faculty, staff, students, alumni/ae, and visitors. Universal access at Middlebury – regardless of a person's physical size, ability, or age – is an important legal mandate and ethical practice requiring urgent and ongoing attention. In spite of legal mandates and a diverse campus population, the College has no universal access plan to remove current barriers in its landscape, buildings, parking, transportation, and emergency evacuation services. The master plan offers an opportunity to integrate universal accessibility into current and long term campus development.

Distance is the primary issue for people with disabilities on campus. Virtually everyone interviewed relies on his/her car to get around, and most plan their trips between facilities with excruciating care. Although there are plenty of accessible parking spaces on campus, too few are located close enough to accessible building entrances. This is compounded by the fact that there is only one fully accessible building entrance (Center for the Arts) and 18 partially accessible building entrances. Many have doors that are simply too heavy to open independently. As a result of distance, students skip meals rather than walk long distances to dining halls; crawl up the hill when they must absolutely must use the college library; ask others to pick up their mail in McCullough rather than use the building's lift; and forgo recreational, social, and other 'non-essential' activities. Faculty limit participation in meetings outside their buildings, regret lost collegiality and collaboration, and worry about the professional implications of these limitations.

Essential campus functions are not centralized and accessible parking spaces are not located close to accessible entrances. Many of the newer, more accessible buildings are at the outer extremities of the campus, requiring people to walk longer distances between academic, social, and recreational campus activities. Even where the buildings are substantially accessible, getting to them is too difficult because of distance, parking, heavy doors, and unreliable transportation options.

Students laud the college's Americans with Disabilities Act Office; but faculty and staff report frustrations with the lack of a similarly confidential, reliable, and responsive counterpart for themselves.

There is no plan for emergency evacuation of people with disabilities. None of the students, faculty, or staff interviewed knew how to get out of a building without an elevator in an emergency, or if the elevators were not operating.

Although Middlebury College's recent construction projects are more accessible than earlier facilities, none fully comply with state or federal minimum accessible design standards. There is no fully accessible dormitory on the campus. Even when new buildings are substantially accessible their relationship to the campus context of walkways and parking creates barriers for many people with disabilities. The newer buildings are more accessible, but are farthest from the core campus - including the Library, McCullough Hall, and McCardell Bicentennial Hall – and require traveling long distances for classes, dining, socializing, and recreation. The College Library is a model of accessibility once inside. However, the accessible parking is in the rear of the building, close to a locked entrance, and walkways to the front entrance are too long for most people with disabilities to navigate.

Access audits of 30 representative, heavily-used campus facilities plus campus walkways identified architectural barriers requiring approximately \$23,000,000 to remove. Based on this sample, barrier removal from all of the campus' 172 facilities is estimated at approximately \$50,000,000.

Although not all of these barriers need to be removed immediately, federal law requires an ongoing architectural and communication barrier removal program. The College did not meet the 1993 deadline for removing all architectural and communication barriers whose removal was 'readily achievable.' Furthermore, the college's new construction and alteration projects – while substantially accessible - fall short of full compliance with the ADA Standards for Accessible Design. It is permissible to provide assistance, make reasonable accommodations, and relocate certain meetings or classes; but the legal mandate is to combine some 'architectural affirmative action' with planned maintenance and construction to make the campus fully accessible over time.

KMA recommends that Middlebury College undertake a college-wide, universal access initiative to address:

- A cohesive vision for a universally accessible campus for people of all ages and abilities.
- Prioritized barrier removal plan to ensure dignified access to all campus facilities, beginning with its most public and unique facilities and programs –Johnson Memorial Hall, Wright Memorial Theater, the Athletic Center, Warner Hall, McCullough, and the entrance to the College Library.
- Immediate and ongoing program to remove architectural barriers whose removal is 'readily achievable,' including automatic door openers, accessible parking near entrances, handrails on all stairs and sloped walks, lighting along pathways, and detectable warning and curb cuts at crosswalks.
- Design management protocols to ensure full compliance in all new construction and alterations

- Accessible parking and transportation options coordinated with accessible building entrances to minimize distances to unlocked, accessible entrances.
- Accessible dormitory, classroom, and dining options that are centrally located on campus with adjacent accessible parking.
- Confidential and responsive employee accommodation policies and procedures, similar to those available for students.
- Accessible website.
- Emergency evacuation and safety protocols for all known individuals with disabilities and for all facilities on campus.

To be successful, this initiative must be:

- Sanctioned by the Board of Trustees and senior administration;
- Funded annually;
- Inclusive of people with and without disabilities;
- Integrated into existing practices campus-wide;
- Managed and monitored, with annual targets and report.

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INTRODUCTION

As part of its master planning process, Middlebury College engaged Kessler McGuinness & Associates, LLC (KMA) to assess the campus' accessibility for people with disabilities. The primary goals for the accessibility portion of the master planning process are to:

1. Identify a ballpark range of investments necessary to make the campus fully accessible.
2. Understand priorities for barrier removal.
3. Plan annual barrier removal investments over 15 years.

To provide this information KMA Spent time at Middlebury College assessing facility conditions and interviewing people with disabilities.

Access Audits. KMA conducted access audits of primary campus walkways and 30 representative campus buildings to identify existing barriers and develop cost estimates for barrier removal. These buildings were selected by Middlebury Facilities Services staff in consultation with others based on the following criteria:

- Heavily used campus facilities;
- Main campus buildings;
- Representative of other campus buildings based on use, size, and construction materials;
- Building housing Middlebury College's Americans with Disabilities Office.

Budget estimates for barrier removal based on current construction estimates for typical barrier removal were prepared by A. M. Fogarty Associates, Cost Estimators. The full access audit reports and cost estimates are included as appendices in this report.

Interviews. KMA also conducted interviews with representative faculty, staff, students, and alumni to help set priorities for barrier removal and universal design guidelines. These helped to inform the impact of certain barriers as well as priorities for barrier removal on campus.

The following chapters of this report include:

- Statutory requirements prohibiting discrimination based on disability
- Accessible design and construction requirements
- Methodology used for access audit reports, cost estimating, and interviews

- Findings
- Recommended campus barrier removal priorities
- Universal design guidelines for the master plan and ongoing facilities maintenance and development

This introduction would not be complete without acknowledging the thoughtful, timely, and well-organized assistance provided by Middlebury College. Faculty, staff, students, and alumni all were generous in their time and information. In particular, we were guided and supported by:

- Susan Personnette, Associate Vice President of Facilities
- Jennifer Oster Bleich, Project Manager
- Jodi Litchfield, Americans with Disabilities Act Coordinator
- Cathy Bilodeau, Administrative Assistant

They provided facility information, organized site visits, identified people with disabilities interested in interviews, reviewed materials, answered questions, and managed project information so that we could do our work effectively and efficiently.

Following is a summary of the relevant statutory requirements for non-discrimination based on disability, barrier removal, and accessible design that apply to Middlebury College's facilities, policies, and operations.

PROHIBITIONS AGAINST DISCRIMINATION BASED ON DISABILITY¹

The *Americans with Disabilities Act* (ADA) 42 U.S.C. § 12101 (1990) was signed by President George H. W. Bush on July 26th 1990, after passing Congress with overwhelming bi-partisan support. Based on the 1963 Civil Rights Law, it creates a new class of protected individuals - people with disabilities. It is now clearly illegal to discriminate against people based on disability, just as it is illegal to discriminate against people based on color, gender, and ethnicity.

Supreme Court rulings determined long ago that 'separate is not equal' in school desegregation and transportation. Under the ADA, separating people because of their disability is no longer acceptable. Because the ADA's accessible design and construction standards are enforceable in the context of this civil rights statute, they need to be considered differently than building codes. Installing a door knob on a classroom door could, under the ADA, be considered an act of discrimination. Likewise, a building without an elevator, an entrance with a heavy door, or a performance space with no Assistive Listening Systems could all be acts of discrimination under the ADA.

The ADA is not the first federal law to prohibit discrimination based on disability. These laws represent a long, and hard-fought battle to protect people with disabilities – beginning with World War II veterans – from discrimination based on disabilities. These federal laws include the *Architectural Barriers Act* (1968), the *Rehabilitation Act* (1973), the *Air Carriers Access Act* (1986), and the *Fair Housing Act* (1988). Portions of all of these federal, civil rights statutes (except the *Air Carriers Act*) apply to Middlebury College. This discussion, however, will focus on the ADA's requirements, as it is the most recent statute and generally has the broadest prohibitions against discrimination and pro-active requirements for barrier removal.

Americans with Disabilities Act (ADA)

The ADA provides protections against discrimination based on disability to 'individuals with disabilities.' An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities, or
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

The ADA also protects people who are associated with a person with a disability such as a parent or colleague of a person with a disability.

¹ This document generally describes some of the ADA's prohibitions against discrimination. They represent the views of KMA, and are not intended as legal advice.

These definitions apply to students, parents, alumni/ae, faculty, staff, and visitors at Middlebury College.

Relevant ADA Requirements. The ADA has five sections or titles, two of which are directly relevant to Middlebury College's campus planning, design, and construction. Title I addresses employment issues, and Title III address programs, services, transportation, design, and construction.

- **Title I prohibits discrimination based on disability in employment.** As an employer of more than 15 people, the College is covered under Title I.

The U.S. Equal Employment Opportunity Commission's implementing ADA regulations (29 CFR Part 1630) detail employers' specific requirements. There are two requirements under Title I that are relevant to campus planning and design.

It is unlawful for a covered entity to discriminate on the basis of disability against a qualified individual with a disability in regard to....Activities sponsored by a covered entity including social and recreational programs.... (CFR 29 Part 1630.4(h))

It is unlawful for a covered entity not to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business. (29 CFR Part 1630.9)

Several Middlebury College employees qualified for protection under the ADA reported having difficulties with requesting and receiving accommodations such as:

- Accessible parking stickers
- Accessible parking close enough to workplaces
- Transportation
- Force required to open doors
- Accessible egress plans
- Accessible toilet rooms
- Snow removal
- Access to social and recreational venues

- **Title III prohibits discrimination based on disability by public accommodations², including programs, services, design, and construction.** As a private entity operating places of public accommodation, the College is a public accommodation and, as such, is covered under Title III. 28 CFR Part 36 – *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities* are the regulations promulgated by the U.S. Department of Justice implementing Title III. Under Title III and its implementing regulations the College has broad obligations that include:
 - **Integrated Setting.** Providing goods and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. This provision specifically prohibits providing services and facilities for people with disabilities that are separate from those provided to people without disabilities.
 - **Reasonable Modifications.** Making reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration would result in the nature of the goods and services provided.
 - **Effective Communication.** Furnishing auxiliary aids when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
 - **Readily Achievable Barrier Removal.** Removing architectural and structural communication barriers from existing facilities where such barrier removal is readily achievable, i.e. can be accomplished without much difficulty or expense.
 - **Alternative Readily Achievable Barrier Removal.** Providing readily achievable alternative measures when removal of barriers is not readily achievable.
 - **Equivalent Transportation.** Providing equivalent transportation services and purchase accessible vehicles in certain circumstances.
 - **Maintain Accessible Features.** Maintaining accessible features of facilities and equipment.
 - **Design and Construction.** Designing and constructing new facilities and alterations of existing facilities in accordance with the *Americans with Disabilities Act Accessibility Guidelines* issued

² Under the ADA a public accommodations is a private entity whose operations affect commerce and fall into any of 12 categories, including “a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education.” Middlebury College is a public accommodation, and its campus facilities are places of public accommodation.

by the U.S. Architectural and Transportation Barriers Compliance Board and incorporated in the final Department of Justice Title III regulation

KMA interviewed several Middlebury College students and alumni/ae qualified for protection under the ADA. They reported excellent academic accommodations, and were very appreciative of the College's Disability Services Office. However, they reported having difficulties requesting and receiving accommodations such as:

- Accessible parking stickers
 - Accessible parking close enough to dormitory, classroom, social, and recreational facilities
 - Transportation
 - Force required to open doors
 - Accessible egress plans
 - Accessible toilet rooms
 - Snow removal
- **Accessible Design and Construction Standards.** The U.S. Architectural and Transportation Barriers Compliance Board (known generally as the federal Access Board) developed the *ADA Accessibility Guidelines* (ADAAG). ADAAG was first issued in 1991 and became enforceable standards when incorporated by the U.S. Department of Justice into its implementing regulations (see above). In 2004 the federal Access Board issued revised *ADA Accessibility Guidelines*. To make compliance easier to achieve, the revised ADAAG is more consistent with model building codes and industry standards. However, the revised standards are not yet enforceable for public accommodations such as Middlebury College because they have not been adopted by the U.S. Department of Justice. Until adopted by the US Department of Justice, the enforceable standards remain the 1994 ADAAG Standards.
- ADAAG is not a building code.* They are design standards that help implement a federal, civil rights statute. Failure to design and construct in accordance with ADAAG may be considered an act of discrimination under the ADA. For example, the following conditions may be deemed an act of discrimination against a person with a disability:
- An interior door with a closer that requires more than 5 lbs force to operate.
 - An accessible entrance without an exterior, accessible route connecting it to sidewalks and other facilities on the campus.

- Door knobs (v. lever hardware).
- Toilet rooms without visual alarms.
- Lecture and performance halls with no Assistive Listening Systems for people who are hard of hearing.

The ADA's accessible design and construction requirements, as well as certain pro-active barrier removal requirements are discussed in greater detail in the next chapter of this report.

- **Enforcement.** Any qualified individual with a disability may bring lawsuits in federal court or pursue administrative complaints with the U.S. Department of Justice or the U.S. Equal Employment Opportunity Commission. In addition, the Department of Justice may file lawsuits in federal court to enforce the ADA, and courts may order compensatory damages and back pay to remedy discrimination if the Department prevails. Under Title III, the Department of Justice may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation. Under general rules governing lawsuits brought by the federal government, the Department of Justice may not sue a party unless negotiations to settle the dispute have failed.

The U.S. Department of Justice has investigated many ADA complaints about discrimination on college campuses. The settlement Colorado College is particularly relevant because, like Middlebury College, it is located in hilly terrain. Nonetheless, the agreement requires substantial barrier removal from existing facilities, addressing readily achievable barrier removal as well as mitigation where alterations and new construction did not meet minimum ADA standards of accessible design. In addition, it requires the college to develop emergency evacuation plans that address people with disabilities on campus. All of this barrier removal is to be completed in seven years and directed by an ADA Coordinator to be hired by the College for this purpose. The full settlement agreement – which is typical of others – can be viewed online: <http://www.usdoj.gov/crt/ada/colocoll.htm>

- **Compliance Review.** The ADA does not provide any administrative means for obtaining a review or approval of a design prior to or after construction. Technical assistance can be requested from both the federal Access Board³ (technical design questions) and the U.S. Department of Justice⁴ (jurisdictional questions). The staffs at both agencies are very professional and can offer informal guidance and interpretations. This assistance, however, does not represent an official or legally reliable interpretation. Judicial review is the only legally reliable

³ 1-800-USA-ABLE

⁴ 800 - 514 – 0301

guidance provided for in the ADA. This was done intentionally to place the burden of a good faith effort on owners.

Because Vermont has integrated the ADA's accessible design standards into its state building code, these accessible design provisions are reviewed by state building inspectors during the permitting process. Any variances granted by Vermont's Access Board, however, are not recognized by the U.S. Department of Justice or in federal court without additional review based on the civil rights – versus building code – context of the ADA.

ACCESSIBLE DESIGN AND CONSTRUCTION REQUIREMENTS

All new construction and alterations performed by Middlebury College are covered by several state and federal laws, regulations, codes, standards and guidelines:

- *The Americans with Disabilities Act (ADA) of 1990*
- *CFR 28 Part 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*
- *CFR 29 Part 1630 – Equal Opportunity for Individuals with Disabilities*
- *The 1994 ADA Accessibility Guidelines (ADAAG)*
- *The Fair Housing Act (FHA) of 1968 and the Fair Housing Accessibility Guidelines*
- *Section 504 of the Rehabilitation Act of 1973* because the college receives federal money for research grants, loans, etc.
- *Vermont has adopted the 1991 ADAAG as its accessible design standard for privately-owned, non-governmental facilities.*

Not all of the regulations above apply to every Middlebury project, or to all areas of a facility. For example:

- *The Fair Housing Act* only applies to the College's newly constructed, multi-family housing projects, including dormitories.
- *The Equal Opportunity for Individuals with Disabilities* regulations address only 'reasonable modifications' for otherwise qualified employees with disabilities.
- *Section 504 of the Rehabilitation Act* references the *Uniform Federal Accessibility Standards (UFAS)* as its accessible design standard. In most cases, however, compliance with the *ADA* and the *ADA Standards for Accessible Design* now results in compliance with *Section 504* and *UFAS*.

Action #1: Analyze each design and construction project to determine the requirements specific to that project based on its occupancy, type of construction, and budget. A 'decision tree' can help guide project managers through the requirements for any new construction or alteration, based on state and federal accessible design and construction requirements.

New Construction. The ADA's definition of discrimination includes... "*a failure to design and construct facilities for first occupancy...that are readily accessible to and usable by individuals with disabilities, except where the entity can demonstrate that it is structurally impracticable.*"

The ADA Accessibility Guidelines (ADAAG) establish the minimum standards for accessible design and construction to meet the ADA's statutory requirement. These are minimum standards, and construction that does not meet them will be very difficult – if not impossible – for many people with disabilities to use.

The 'structurally impracticable' standard established for new construction is a very high standard. It is specifically not meant to exempt facilities built on hilly terrain, such as Middlebury College.

Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. If full compliance with the requirements of these guidelines is structurally impracticable, a person or entity shall comply with the requirements to the extent it is not structurally impracticable. Any portion of the building or facility which can be made accessible shall comply to the extent that it is not structurally impracticable.
(ADAAG 4.1.1(5)(a))

The U.S. Department of Justice clarified in 1992 that the exemption for structural impracticability is 'very narrow and should not be used in cases of merely hilly terrain. <It> expects that it will be used in only rare and unusual circumstances.' A facility that must be built on stilts because of a flood plain is an example of a facility that meets the 'structurally impracticable' standard. Even when a facility meets the standard of structural impracticability, 'portions of a facility that can be made accessible must still be made accessible. In addition, access should be provided for individuals with other types of disabilities, even if it may be structurally impracticable to provide access to individuals who use wheelchairs.'⁵

Action#2: All newly constructed Middlebury College facilities will be accessible to individuals with disabilities. It is unlikely that 'structural impracticability' will apply to sites on the Middlebury campus. Develop and use an ADA Construction Punch List to avoid the most common accessible construction errors and meet minimum accessible construction standards.

Alterations. The ADA defines as discrimination "...failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs...." ADAAG defines alterations as "... a change to a building or facility ... that affects or could affect the usability of the building or facility, or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration,

⁵ The Americans with Disabilities Act Title III Technical Assistance Manual, USGPO: 1992-321-509, p. 43-44.

changes or rearrangement of the structural parts of elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

Action #3: Develop ADA Accessible Design Review Protocols for Middlebury project managers as well as design consultants and contractors to ensure full compliance in new construction and alterations. As with new construction, failure to do so may be deemed an act of discrimination under the ADA; In addition, because these requirements are part of the Vermont State Building Code, architects and engineers are required to meet these standards. These protocols will include guidance for both Middlebury College project managers as well as design consultants and contractors.

Limitations on Barrier Removal during Alterations. The ADAAG requirements for alterations are very similar to those for new construction. There are, however, certain limitations. Note that these definitions relate to *structural* impediments, not cost.

- **To the Maximum Extent Feasible** (ADAAG 4.1.6(1)(j) EXCEPTION). *In alteration work, if compliance with <ADAAG> 4.1.6 is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration. The Senate Report 101-116, at 68 states that: "The term...should be construed as not requiring entities to make building alterations that have little likelihood of being accomplished without removing or altering a load bearing structural member unless the load-bearing structural member is otherwise being removed or altered as part of the alterations."*
- **Technical Infeasibility** (ADAAG 4.1.6(1)(j) EXCEPTION). *Technical infeasibility means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modifications or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.*

Equivalent Facilitation (ADAAG 2.2). The federal Access Board recognizes that certain product, technology, and design innovation may provide better accessibility than strict compliance with ADAAG. As a result, it allows

“equivalent facilitation:” *Departures from particular technical and requirements of this guideline by the use of other designs and technologies ... where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility.* There is no process for approving designs that rely on equivalent facilitation.

When relying on a compliance solution that uses equivalent facilitation, it must provide *equal or better* access than strict compliance with the code. This is not ‘alternative’ access, such as making a side door v. the front door accessible. It might be using a “Raynes Rail”⁶ instead of directional signage in a building, or using the new International Symbol of Access⁷ instead of the traditional one⁸.

Action #4: Develop an in-house protocol for approving the use of equivalent facilitation as a compliance tool in maintenance, design, and construction. Any choice to use ‘equivalent facilitation’ should be approved and documented to the file. This protocol should include advisory review by people with disabilities and/or the College’s ADA Coordinator.

Readily Achievable Barrier Removal. Regardless of the College’s maintenance, alteration, or capital improvement plans, architectural and communication barriers that are structural in nature which can be removed “without much difficulty or expense” should have been removed by January 1993. It appears that in 2006 – 13 years after the statutory deadline – many barriers whose removal is probably ‘readily achievable’ remain.

Architectural barriers are physical elements of a facility that impede access by people with disabilities. These barriers include more than obvious impediments such as steps and curbs that prevent access by people who use wheelchairs. In many facilities, telephones, drinking fountains, mirrors, and paper towel dispensers are mounted at a height that makes them inaccessible to people using wheelchairs. Conventional doorknobs and operating controls may impede access by people who have limited manual dexterity. Unpaved exterior ground surfaces and steeply sloped walkways without handrails often are a barrier to access by people who use wheelchairs or other mobility aids, such as crutches, and people who have limited stamina. Impediments caused by the location of temporary or movable structures, such as furniture, equipment, and display racks, are also considered architectural barriers.

⁶ The Raynes Rail is a patented handrail design which incorporates Braille and audio into a handrail. It has been successfully used in various international transportation, hospital, and museum facilities. www.raynesassociates.com/rail.

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Communication barriers that are "structural in nature" are barriers that are an integral part of the physical structure of a facility. Examples include:

- Conventional signage without tactile and Braille letters. These are generally inaccessible to people who have vision impairments.
- Alarm systems without visual components. These are inaccessible to people with hearing impairments.
- Physical partitions that hamper the passage of sound waves between employees and customers.
- Absence of adequate sound buffers in noisy areas that would reduce the extraneous noise that interferes with communication with people who have limited hearing.

The *readily achievable* obligation applies only to areas used by the public, not to areas used exclusively by employees. The obligation applies even if no alterations are planned.

KMA cannot definitively state what barrier removal is *readily achievable*. The US DOJ states that it is up to each Title III entity to determine its own criteria for *readily achievable* barrier removal. The US DOJ states that such a determination should be made on a case -by-case basis in light of the particular circumstances and the following factors:

- The nature and cost of the action needed;
- The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise upon the operation of the site;
- The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
- If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities;
- If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

The U.S. DoJ does not provide a definitive answer as to whether the removal of any particular barrier is *readily achievable*. However, the DoJ's regulation contains a list of 21 examples of modifications that are typically considered to be readily achievable:

- 1) Installing ramps;

- 2) Making curb cuts in sidewalks and entrances;
- 3) Repositioning shelves;
- 4) Rearranging tables, chairs, vending machines, display racks, and other furniture;
- 5) Repositioning telephones;
- 6) Adding raised markings on elevator control buttons;
- 7) Installing flashing alarm lights;
- 8) Widening doors;
- 9) Installing offset hinges to widen doorways;
- 10) Eliminating a turnstile or providing an alternative accessible path;
- 11) Installing accessible door hardware;
- 12) Installing grab bars in toilet stalls;
- 13) Rearranging toilet partitions to increase maneuvering space;
- 14) Insulating lavatory pipes under sinks to prevent burns;
- 15) Installing a raised toilet seat;
- 16) Installing a full-length bathroom mirror;
- 17) Repositioning the paper towel dispenser in a bathroom;
- 18) Creating designated accessible parking spaces;
- 19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
- 20) Removing high pile, low density carpeting; or
- 21) Installing vehicle hand controls.

Under the 'readily achievable' barrier removal requirement the College generally would not be required to replace an entire flight of stairs, if removal would require extensive ramping or an elevator. In addition, barrier removal would not be considered 'readily achievable' if it would threaten or destroy the historic significance of a historic building or facility.

Readily achievable barrier removal was required to be completed by January 1993. However, it is important to note that the obligation to engage in readily achievable barrier removal is a continuing one. Over time, barrier removal that initially was not readily achievable may later be required because of changed circumstances. The implication of the readily achievable barrier removal obligation for the College is that any existing architectural or communication barrier (that is structural in nature) should:

- Have been removed, or

- Be scheduled for removal as part of a compliance plan that contains measurable benchmarks, or
- Be determined not to be 'readily achievable.'

This report includes some general recommendations for 'readily achievable barrier removal' at some of Middlebury College's facilities.

Action #5: Implement a targeted, readily achievable barrier removal program to be completed within five years. KMA can assist the College in developing criteria for deciding what barrier removal is readily achievable and how to prioritize removal over 5 years. Legal counsel should review criteria used to determine what is 'readily achievable'.

Accessible Path of Travel. It was the intent of Congress, in writing this section of the ADA, that all existing properties, over time, become fully accessible in the course of alterations projects. It can be considered a type of 'affirmative action,' as it requires all property owners to provide additional barrier removal when undertaking planned alterations. In fact, the ADA defines the failure to do so as 'an act of discrimination.'

To understand fully this requirement, we will first define it, and then define the key terms that are underlined. The ADA accessible path of travel requirement states: "*When alterations are made to a primary function area that affect the usability of that area, alterations to provide an accessible path of travel to the altered area must also be made unless the cost is disproportionate.*"

A primary function area is an area of a facility that houses a major activity for which the facility is intended. This includes employee areas as well as public areas. At McCullough, for example, primary function areas include The Grille, meeting rooms, offices, and the auditorium. Primary function areas do not include the lobbies, elevators, or bathrooms.

Alterations that trigger the accessible path of travel requirement are only those that affect the usability of the space. Moving partitions and walls affect the usability. Repainting or alterations to windows, hardware, controls, electrical outlets, and signs do not. The path-of-travel is also not triggered if alteration work is limited solely to the electrical, mechanical, or plumbing system, unless the project involves alteration to elements required to be accessible - such as toilets and electrical outlets.

The accessible path of travel includes the following elements, in order of priority:

- Accessible entrance
- Accessible route to the altered area
- At least one accessible restroom for each sex or a single unisex restroom

- Accessible telephones
- Accessible drinking fountains
- Accessible parking
- Accessible storage
- Accessible alarms
- Accessible signage

The ADA 'accessible path of travel' requirement is also colloquially known as the '20% requirement,' in reference to owners' limitation to affirmatively remove barriers. Accessible path of travel costs that exceed 20% of the primary function area's alteration costs are deemed disproportionate, and are not required. The Private Owner never has to spend more than 20% of the cost of an alteration to a primary function area on barrier removal from the path of travel.

Let us consider an example. A renovation of the 4th and 5th floors of Warner Hall is planned. The project has a budget of \$1,500,000. Say the "soft" costs (non-construction) are \$500,000, and the stair upgrade costs are \$50,000. \$550,000 can be subtracted from the total on which the ADA accessible path of travel obligation is figured. These can be subtracted because the soft costs are not costs related to usability, and stairs are not primary function areas. The remaining cost for altering the office area is \$950,000. This project, then, has an ADA accessible path of travel requirement that need not exceed \$190,000 (20% of \$950,000). An additional \$190,000 – beyond the budgeted \$1,500,000 - must be spent to provide an accessible path of travel to the altered area. Using the priorities provided by the U.S. Department of Justice, these funds should be used for an accessible entrance (which already exists on the ground floor); an accessible route to the altered area (an elevator); and (funds permitting) an accessible toilet room to serve the 4th and 5th floors. This could mean modifying an existing toilet room, or adding a new, single-user toilet room on the upper floors.

Note that once a path of travel is fully accessible, no additional expense or barrier removal actions are required. At this point, Congress' intention will have been realized: buildings become accessible over time, in the course of planned alterations.

The accessible path of travel requirement is cumulative over 3 years.

Specifically: "If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate." This rule was established so that

property owners would not try to avoid accessible path of travel barrier removal by phasing alterations into smaller projects.

To continue with the Warner Hall example, consider that \$1,500,000 worth of renovations were done to the 2nd and 3rd floors of Warner Hall once the 4th and 5th floors were complete. Assuming that the accessible entrance and elevator were completed in the first renovation, an accessible toilet room may have to be provided; and issues of alarms and signage would be included. There is no requirement to spend the entire \$190,000 if all items on the accessible path of travel are complete. If, however, an elevator had not been installed in the first renovation because it cost more than \$190,000 (20% cap), then it would have to be installed in the second renovation within the cumulative \$380,000 (20% cap) obligation.

Action #6: Develop an ADA Accessible Path of Travel Project Management Tool to implement, track, and document appropriate application of these requirements in alterations. Project managers will review the 'accessible path of travel' requirements of all planned alterations to determine the additional scope of work and costs triggered by the alteration. The Office of Facility Services will document the modifications made each year on a building-by-building basis to monitor the cumulative barrier removal obligation triggered by phased alterations over three years.

Alternative Requirements for Historic Facilities. Many of Middlebury College's buildings and landscape are historic, i.e. listed (or eligible for listing) on the Vermont or National Register of Historic Places. The ADA respects the need to balance preservation and accessibility interests. Alternative approaches to accessibility that affects facilities' exteriors is permitted under the ADA; but must be planned in coordination with both preservationists and access advocates. ADAAG specifically states:

Alterations to a qualified historic building or facility shall comply with 4.1.5 Accessible Buildings: Alterations...unless it is determined in accordance with procedures...that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility in which case the alternative requirements in 4.1.7(3) may be used for the feature....

Historic Preservation: Minimum Requirements: (Excerpts)

- a. *At least one accessible route...from a site access point to an accessible entrance....*
- b. *At least one accessible entrance...used by the public....*
- c. *If toilets are provided, then at least one toilet facility complying....*

- d. Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance....
- e. Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally (e.g. open books), should be no higher than 44 in. above the floor surface. (ADAAG 4.1.7(1)a and (3)a-e)

Recommendations. KMA recommend that the Offices of Facility Services take the following actions to ensure compliance with the ADA's requirements for accessibility in its new, altered, and existing facilities:

Action #1: Analyze each design and construction project to determine the requirements specific to that project based on its occupancy, type of construction, and budget. A 'decision tree' can help guide project managers through the requirements for any new construction or alteration, based on state and federal accessible design and construction requirements.

Action #2: All newly constructed Middlebury College facilities will be accessible to individuals with disabilities. It is unlikely that 'structural impracticability' will apply to sites on the Middlebury campus. Develop and use an ADA *Construction Punch List* to avoid the most common accessible construction errors and meet minimum accessible construction standards.

Action #3: Develop ADA Accessible Design Review Protocols for Middlebury project managers as well as design consultants and contractors to ensure full compliance in new construction and alterations. As with new construction, failure to do so may be deemed an act of discrimination under the ADA; In addition, because these requirements are part of the Vermont State Building Code, architects and engineers are required to meet these standards. These protocols will include guidance for both Middlebury College project managers as well as design consultants and contractors.

Action #4: Develop an in-house protocol for approving the use of equivalent facilitation as a compliance tool in maintenance, design, and construction. Any choice to use 'equivalent facilitation should be approved and documented to the file. This protocol should include advisory review by people with disabilities and/or the College's ADA Coordinator.

Action #5: Implement a targeted, readily achievable barrier removal program to be completed within five years. KMA can assist the College in developing criteria for deciding what barrier removal is readily achievable and how to prioritize removal over 5 years. Legal counsel should review criteria used to determine what is 'readily achievable'.

Action #6: Develop an ADA Accessible Path of Travel Project Management Tool to implement, track, and document appropriate application of these requirements in alterations. Project managers will review the 'accessible path of

travel' requirements of all planned alterations to determine the additional scope of work and costs triggered by the alteration. The Office of Facility Services will document the modifications made each year on a building-by-building basis to monitor the cumulative barrier removal obligation triggered by phased alterations over three years.

METHODOLOGY

KMA collected information about campus accessibility and barriers in two ways:

- Access audits
- Interviews

In addition, KMA worked with a professional cost estimator to develop realistic budget estimates for removing the barriers identified in the access audits.

Access Audits. KMA conducted access issues audits of 30 representative facilities and the campus' walkways to understand current access conditions.

KMA's access audits of Middlebury College facilities expands the information already available in the ISES reports. Using the ISES building data, including materials, construction type, and size, KMA supplemented its preliminary architectural barrier analysis with detailed analysis of compliance issues and feasible solutions. KMA also enhanced the ISES perspective with the ADA's civil rights context to identify barriers and realistic cost estimates for barrier removal. In addition, KMA took detailed measurements of:

- Campus walkways and accessible parking spaces to capture the issues people with disabilities face getting around the campus and between its buildings.
- Pressure required to open doors, a common barrier even where the entrance appears accessible.
- Heights of thresholds which limit wheelchair users and others with limited strength.
- Maneuvering space at doors that may appear accessible, but are not, in fact, usable or in compliance with minimum accessible design and construction standards.
- Toilet and bathing rooms that appear 'accessible,' but are not usable because of maneuvering space errors or toilet paper dispensers that make it impossible to use the grab bars.
- Availability of Assistive Listening Systems in performance and lecture halls.
- Emergency egress for people who cannot get out of a building on their own.

The ISES reports were used by Fogarty Associates to assist in developing budget estimates for barrier removal from each of the 30 facilities audited by KMA.

The 30 facilities that KMA audited were selected by Middlebury College staff from the Office of Facilities Services and the Americans with Disabilities Office based on the following criteria:

- Heavily used campus facilities;
- Main campus buildings (The Bread Loaf Campus was not included.);
- Representative of other campus buildings based on use, size, and construction materials;
- Building housing the Americans with Disabilities Office.

Each of these audits provides:

- a. A summary of each building's accessibility for students and visitors.
- b. A list of types of barriers. These include architectural barriers that would have to be removed in renovating a building built before 1992. For facilities built since 1992, the barriers represent non-compliant new construction conditions.
- c. Representative photos of existing barriers.

Budget Estimates. Pete Timothy, Principal of A. M Fogarty, Inc., walked through the 30 representative buildings. He developed barrier removal budget estimates for the 30 facilities audited referencing:

- ISES Facility Conditions Analysis reports
- KMA access issues audits
- Current barrier removal cost data

The estimated costs were derived by:

- Visual inspection of the barrier;
- General quantity survey of material for repairs;
- Appropriate unit cost for the items.

In some cases where there was limited detail about barrier removal methods or materials, cost allowances were carried. The allowances were based upon practical estimating experience.

Specific comments as to the scope of work include the following:

- Finishes and systems were always considered to be a high quality.

- The addition of visual alarms to existing fire alarms does not include the possible cost of upgrading antiquated or missing fire alarm systems.
- Elevators were always assumed to be added inside the building envelope.
- Costs are directly related to the accessibility issues of the building. At Mead Memorial Chapel, the elevator cost does not include the possibility of having to upgrade that building's electrical service.

The cost estimates included in this report are limited to removal of architectural barriers from the 30 facilities audited by KMA. It does not represent a comprehensive barrier removal cost for all campus facilities. The cost is for construction only, including general contractors fees, 10% contingency, and 5% escalation to bring these estimates to first quarter 2008 dollars.

Interviews. Via email, Susan Personette, Associate Vice President for Facilities, invited all faculty and staff to participate in interviews about their experiences.

"As part of the Master Plan process, the firm of Kessler McGuinness & Associates, an accessibility consultant, has been hired to do an accessibility audit of our campus. If you have a permanent physical disability, or have had a temporary one, and have had difficulty using campus facilities and/or getting around campus, we would very much like to hear from you. Our goal is to identify all of the access barriers on campus so that we can create a plan to correct them....Anything you share with us will remain completely confidential but will be greatly appreciated. "

Jodi Litchfield, Director of the Americans with Disabilities Office, contacted students and alumni/ae with physical disabilities who she thought would be interested in sharing their experiences on campus. KMA doubled the allotted interview time, and could still not interview all of the respondents. 23 students, faculty, staff, and alumni/ae were interviewed, and several more emailed their experiences. KMA also interviewed the Director of Disability Services, Ms. Jodi Litchfield. Three people who wanted to participate were not available for interview within the project's schedule.

Undoubtedly there are more people who were reluctant or unavailable to respond. Middlebury's summer Language Schools attract people from around the world. Administrators and faculty of these programs referred to a number of summer students who have known disabilities, as well as students who are significantly out-of-shape and have difficulty traversing the campus' hills and distances. No international students were included in the interview process.

Because all interviews were conducted in confidence, findings in this report will not be identified with any individual student or employee. Most interviewees were very concerned that their confidentiality be maintained, as their disabilities

are not obvious, and they do not want to be identified as a 'person with a disability.'

Both the Office of Facilities Services and the Americans with Disabilities Office were very cooperative, facilitating the entire data collection phase of KMA's work. Following is a discussion of findings and recommendations.

FINDINGS AND RECOMMENDATIONS

There are 10 findings resulting from KMA's access audits and interviews that directly or indirectly impact the master planning process.

1. There are more people with disabilities on the Middlebury College campus than previously understood.
2. The primary issue for people with disabilities on campus is distance.
3. People with disabilities rely on their cars to get around campus.
4. Accessible parking spaces are not close enough to accessible entrances.
5. There are too few accessible building entrances.
6. Campus distances are exacerbated by the lack of a centrally-located dormitory and dining hall.
7. The campus offers few non-visual cues for people with limited sight.
8. Recent campus construction is almost (but not fully) accessible.
9. There are no emergency evacuation plans for people with disabilities.
10. There is no comprehensive plan to make the campus accessible for people with – and without – disabilities.
11. The estimated cost of architectural barrier removal from the 30 representative buildings and campus walkways is \$22M, and approximately \$50M to make all of the College's existing facilities fully accessible.
12. Middlebury College Has No Comprehensive, Universal Access Plan.

Following is a discussion of each of these findings.

Finding #1: There are more people with disabilities on the Middlebury College campus than previously understood.

Before beginning its work, KMA was advised that there were probably very few people with disabilities that limit their mobility on its campus because of Middlebury's mountainous terrain and snowy, windy weather. The well-known experience of one student, injured in a ski accident, and the college's proactive response to her intent to return to campus was thought to be an isolated incident. In fact there are many people with disabilities, illnesses, and injuries that use the campus – or would like to – on a regular basis.

The College's opportunity for people with disabilities to discuss their experience on campus yielded 27 voluntary responses. This is a credit to the Middlebury culture, as most people with disabilities are very concerned about the consequences of 'self-identifying' to discuss their person experiences openly. Based on KMA's experience, it is safe to say that those who responded are probably 'the tip of the iceberg.' Many people with disabilities guard public awareness of their condition very carefully. In all likelihood there are several times the number of people with disabilities on campus than those who volunteered to participate in the master planning process.

Most of the people interviewed have disabilities that significantly impact their daily lives, but are not obvious to the casual acquaintance. Several have conditions that vary from day-to-day or that 'flare up' unexpectedly. Five had temporary disabilities resulting from serious car or sports injuries. All others have permanent disabilities or were reporting experiences with family members or colleagues on campus with permanent disabilities.

Middlebury's weather and terrain are not the deterrent that many imagine. Its curriculum and culture are more important than its terrain and weather. Among the students with disabilities, most had either applied early decision to Middlebury; or were injured while students and chose to return to Middlebury. Some students reported that their parents were hesitant about the choice because of terrain and weather challenges; but their opinion seems to have been overridden by their students' choice.

All students interviewed 'sang the praises' of the college's Americans with Disabilities Office. While maintaining appropriate confidentiality, it is very effective in arranging for and communicating appropriate accommodations, including relocating classes, and housing assignments. It coordinates well with the Office of Facilities Services to plow and salt certain pathways early so that students with disabilities can get to their morning classes. This is handled confidentially so that only those who 'need to know' are aware of why certain pathways are prioritized.

Similarly, faculty and staff chose to come to Middlebury or remain at Middlebury because of its culture and professional opportunity. As several said: "My whole career is here."

The ADA has distinct requirements for non-discrimination based on employees' disabilities. The general rule under Title I employment provisions of the ADA states:

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment

Under Title I of the ADA there are several prohibitions against discrimination, including:

- The failure to make 'reasonable accommodations' for an otherwise qualified employee.
- Limiting, segregating, or classifying an employee or applicant with a disability so that it adversely affects their opportunities or status.

Faculty and staff of various ages shared frustration at the lack of a confidential and effective process to request and get reasonable accommodations such as on-campus transportation, accessible parking close to their offices, and the installation of toilet rooms during alterations so that they did not have to climb stairs several times a day. Some complained that requests to Human Resources for accommodations went unanswered or took so long as to be ineffective. Several also expressed frustration based on experience that requests for reasonable accommodations were not kept confidential. Most shared the desire for an office within Human Resources that is as effective and protective of confidentiality as the Americans with Disabilities Office is for students. Virtually all employees expressed a need for greater training and awareness on the part of Human Resources and Public Safety re: the realities, rights, and responsibilities of both the College and employees with disabilities. For example, Public Safety officers should not be asking the nature of an employee's disability when a ride is requested; nor should they assume that all people with disabilities use wheelchairs.

One person has a colleague who crawled up the stairs in Johnson Hall because he wanted to see a particular collection and work area. Although he was there for several hours, he was unable to use a bathroom.

Several staff were concerned that it was an inconvenience for others to always have to meet in their first floor offices; and feared that they were left out of meetings because finding an accessible meeting space was too difficult.

Several staff also explained the difficulties in doing any part of their work that requires leaving their own building. This difficulty is largely due to the lack of available accessible parking spaces near accessible entrances at most buildings. As a result, they assign other staff; miss meetings; or risk their own health and safety to get between buildings without injury. In all cases, requests

for accommodations have not been kept confidential and/or not yielded timely and effective response.

A few community members responded to the email request for input. A professor's widow, for example, wrote of her difficulties using campus facilities; and parents who work at the college cannot enjoy campus facilities with their family when it includes a person with a disability. One staff person who has a child with a disability says that her child often has to refuse invitations to participate in campus social events because the dormitories and offices of her friends are not accessible. Another recounts many frustrations trying to attend performances and other events on campus with their spouse who has a disabling condition. Although long-term members of the Middlebury College community, their options for participation are reduced when a colleague or family members has a disability that limits their mobility. It is, in a word, too difficult.

Recommendation #1: Improve awareness of and responsiveness to the people with disabilities on campus:

1. The Human Resources Offices improve its process of responding confidentially and effectively to faculty and staff requests for accommodations on campus. The policies and procedures used by the College's Americans with Disabilities Office are a good model from which to develop employee-appropriate protocols. Once developed, these should be widely publicized for both faculty and staff, in writing and on the website.
2. Increase the number of accessible meeting spaces throughout the campus.
3. Clarify and simplify the process for employees with disabilities to obtain and use accessible parking stickers or placards. When an employee with a disability has a permanent condition, the sticker should not require renewal any more frequently than standard parking stickers are renewed.
4. Provide additional accessible parking spaces immediately adjacent to fully accessible building entrances, including but not limited to the Library, Johnson Memorial Building, Wright Memorial Theater, the Peterson Family Athletic Complex, and Warner Hall. If the security issues at the Library can be resolved to allow *independent* access at the rear entrance, then a road to the Library's main, front entrance may not be required. Having an alternative, accessible entrance is not a model, however, that is recommended for new construction.
5. Remove architectural barriers to key, public areas such as Johnson Memorial Building, Wright Memorial Theatre, Munroe Hall, and the Peterson Family Athletic Complex.

Finding #2: The Primary Issue For People With Disabilities On Campus Is Distance.

Regardless of the disability, almost everyone described their difficulties with getting about campus in terms of their stamina and the distances necessary to get 'from here to there.' Following are some salient quotes from interviews:

I wake up every day and plan how to use my energy. I don't get my mail because it's not worth the energy to get there.

I have to rest mid-day, so it's helpful to have my dorm in a central location. I don't eat dinner. I don't have enough energy by end of day, and the dining hall is too far away. I often don't eat breakfast. I have to save my energy for class.

I'm pregnant and have to climb 4 flights of stairs to get to the bathroom. It used to be good exercise; but now it's really hard.

There are some steep inclines on the Middlebury campus, and no one expects these to go away. People who cannot navigate these inclines and/or long distances are likely to drive to the Mead Memorial Chapel or the Library rather than walk to them. As is discussed in detail below, the mitigation for these conditions is in transportation and parking.

As Middlebury contemplates programmatic and facility expansion, the issue of *distances between and among key facilities* should be considered. The master planning process provides a rare opportunity to mitigate against the multiple issues associated with distances people are required to walk – without reliable options for alternatives to getting to and around campus.

Recommendation #2. Develop an integrated system of accessible transportation, parking, building entrances, and pathways so that people with limited stamina can use the campus.

1. Centralize certain core, campus facilities so that a student can live, attend classes, eat in a school dining hall, and socialize without traveling long distances. This allows a student or faculty person to conserve strength and stamina without unduly limiting opportunities to interact with colleagues.
2. Provide additional accessible parking space immediately adjacent to fully accessible building entrances, including but not limited to the Library, Johnson Memorial Building, Wright Memorial Theater, and the Peterson Family Athletic Complex; and along College Street and Old Chapel Road.
3. Provide drop-off areas near the entrances of all campus facilities; and modify policies to allow drop-off/pick-up of people with disabilities at these entrances. Although there may not currently be vehicular drives in all of these areas, the ADA intends that a reasonable accommodation (for employees) or a reasonable modification of policies and procedures (for students and visitors) would allow a person with a disability to park and/or be dropped off at an accessible entrance.

4. Develop a reliable, on-demand or route-deviation accessible transportation system.
5. Train Public Safety Officers on protocols for providing rides to people with temporary and ongoing disabilities.

Finding #3: People With Disabilities Rely On Their Cars To Get Around Campus.

Everyone interviewed by KMA except the students with significant visual impairments stated that using their cars was essential to their ability to get around campus. Walking the full distance between dorms, dining halls, classes, and athletic facilities is impossible for most faculty, staff, and students with disabilities.

Students offered very mixed experience with campus transportation options. The Midd-Ride service typically was not helpful because of its limited route and hours of operation. When needing to conserve strength, it is not useful to walk to the Midd-Ride's route; wait for it; and then walk some distance to one's destination. Although the student drivers are reported to be trained in the use of the Midd-Ride vans' wheelchair lifts, no one using a wheelchair was comfortable using it. The lift's and chair tie-downs' correct operation is essential to safety. Midd-Ride was described as a nice service, but not useful for students with disabilities.

Coordinating with Public Safety also got mixed reviews. There were many stories of difficulties relating to "HP" placards or stickers on campus. Public Safety tickets or tows cars with state-issued "HP" placards that are parked in accessible spaces on campus, and requires that students, faculty, and staff get a separate Middlebury HP sticker. This has to be renewed each semester; and sometimes more frequently. Although temporary placards make sense for temporary disabilities, people with permanent disabilities should not have to renew these placards. Faculty, staff, and students with state-issued "HP" plates or placards should be allowed to use campus accessible parking spaces. If others using the same lots are required to have campus parking stickers, then the College can require that those stickers also be displayed. It may be helpful for the Public Safety Office to modify its process for issuing these stickers for those people who have difficulty getting to the Public Safety Office.

Public Safety is available to provide rides to people with permanent and temporary disabilities. However, this process has some inherent difficulties.

- Public Safety Officers are not always able to respond to a ride request when an emergency requires them to report elsewhere. Although this is an understandable priority, it makes it difficult for a person with a disability to get reliably to a class or a meeting on time.
- Although Public Safety Officers are not supposed to ask about the nature of someone's disability, they apparently do. Because confidentiality is such

an important issue – and a protected right - for people with disabilities, it is inappropriate for officers to ask anything about a rider's medical condition as a condition of a ride.

- Public Safety Officers cannot provide door-to-door service to accessible entrances. As a result, the ride is sometimes of limited-to-no-use because the rider cannot get to the vehicle from Point A and/or from the vehicle at Point B. In some cases there is no road to an accessible entrance; and in other cases a road may be chained and the officer will not or cannot bypass it.

Relying on Public Safety as a source of reliable transportation is not as effective or functional as needed. This service is well-meant and works well for 'some of the people some of the time.' However, as an accommodation to access essential programs and services for students, or to access essential job activities for employees, it does not currently provide adequately effective, reliable, or confidential service.

Recommendation #3: Modify vehicular routes and parking facilities and policies to allow people with disabilities direct access to all campus facilities

1. Public Safety Office work with the Americans with Disabilities Office and Human Resources to modify its parking and public transportation policies for people with disabilities.
2. Centralize certain core, campus facilities so that a student or employee can live, attend classes, eat in a school dining hall, work, and socialize without traveling long distances.
3. Reallocate accessible parking spaces immediately adjacent to fully accessible building entrances, including but not limited to the Library, Johnson Memorial Building, Wright Memorial Theater, and the Peterson Family Athletic Complex; and along College Street and Old Chapel Roads.
4. Provide drop-off areas near the entrances of all campus facilities; and modify policies to allow drop-off/pick-up of people with disabilities at these entrances.

Finding #4: The Location of Accessible Parking Spaces Is Not Well Coordinated with Accessible Facilities and Their Entrances.

There are many accessible parking places on campus, but they are predominantly found in remote locations, unrelated to the campus' accessible facilities and entrances. In particular, there is an inadequate number of accessible parking spaces around central campus facilities and the Atwater Dining Hall.

Some interview comments bring this issue clearly into focus.

"I rarely go to the library because I know I will have to crawl up the hill to get there."

"There is that one accessible parking space on College Street, and I know there are two of us who need it; but it's the only one near <Voter and Warner> where we work."

"I just can't go to those meetings because the accessible parking for that building is so far away."

There are few accessible drop-off locations near accessible entrances. The Center for the Arts is a notable – and well-appreciated – exception. Accessible parking and drop off are readily available.

Recommendation #4: Reallocate accessible parking spaces close to building entrances.

1. Accessible parking and drop off be available *at all buildings*. If some roads require limited vehicular access, prox card-activated gates – or other methods – should be employed to allow people with disabilities access to convenient, accessible parking adjacent to all building entrances.
2. Provide accessible parking spaces, as needed, adjacent to building entrances for specific employees as a 'reasonable accommodation' or for specific students as a 'reasonable modification to policies and procedures.' Although people with disabilities often resist being 'singled-out' with special privileges, it should be provided when it is the most effective solution.
3. Replicate the Center for the Arts' accessible parking/entrance adjacency at other campus facilities frequented by the general public.

Finding #5: There Are Too Few Accessible Building Entrances.

Of the 30 buildings KMA audited, only one building has a fully accessible entrance – the Center for the Arts. Eighteen (18) buildings have one partially accessible entrance. Although there are no steps at these entrances, they have one or more of the following problems:

- The accessible entrance is not related to accessible parking and/or accessible pedestrian pathways. The Main Library is a primary example of this condition, and the source of several complaints during interviews.
- The accessible entrance is not related to pedestrian circulation. The McCullough Student Center exemplifies this, as the most heavily used entrance is not accessible. A number of people with disabilities were frustrated with the difficulty of getting into and around McCullough.
- Doors are too heavy. The Emma Willard House and Mead Memorial Chapel are examples

Only four (4) of the 30 buildings seen have more than one ‘accessible’ entrance – the Library, Hadley/Milliken, Freeman International Center and the McCullough Student Center.

Eleven (11) of the 30 buildings seen have no accessible entrance – Starr Hall, Painter Hall, Warner Hall, Munroe Hall, Voter Hall, Hepburn Hall, 115 Franklin St., Weybridge House, Nichols House, Pearsons Hall, and Johnson Memorial Building.

Recommendation #5. Modify building entrances to be fully accessible.

1. All academic buildings have one or more accessible entrances leading to at least one floor of accessible facilities.
2. All larger dormitories⁹ have one or more accessible entrances leading to the common areas.
3. All buildings that are open to the general public (the Library, Johnson Memorial Building, Wright Memorial Theatre, etc.) have independently accessible entrances adjacent to public (no-campus-permit-required), accessible parking spaces.
4. All (or most) entrances should be accessible. One is generally not enough.
5. All entrance doors should have automatic door openers or doors that open automatically with a prox-card reader.

⁹ LaForce, Hadley, Kelly, Lang, Atwater, Coffrin, Allin, Battel, Starr, Painter, Gifford, and Proctor Halls.

Finding #6: There Is No Centrally-Located Dormitory and Dining Hall.

As discussed earlier, stamina is a key issue for most people with physical disabilities. Traversing the length of the campus – even if by car – can be exhausting. Several students said they simply didn't eat, because getting from the dorm to class to the dining hall required too much energy. Each expressed a desire for at least one residential and dining option that is centrally located. Like the hub of a wheel, it would decrease the length of any single trek, thereby allowing them to conserve their energy and rest during the day.

The Americans with Disabilities Office can help by relocating some classes; but most of the accessible locations are in buildings at the campus' outer edges, such as Bicentennial Hall. Students were appreciative of the College's flexibility in residential assignments; but all had to trade-off accessibility features (available in the newer dorms on the north campus) with less accessible dorms that are centrally located.

Students did not know why their campus dining cards were not accepted at The Grill in the McCullough Student Center. If they could use their dining cards there, it would help mitigate against the distance to other dining options. If feasible, it would be a 'reasonable modification of policies and procedures' that could help Middlebury respond to its ADA requirements.

The students with very limited sight appreciate the layout of the Proctor Dining Hall. Although it is the oldest dining hall, its rectangular layout is the easiest to navigate for an unsighted person. The sound bounces in predictable ways, thereby providing auditory orientation which is not possible in the Atwater and Ross dining halls. As consideration is given to eliminating the dining hall in Proctor Hall, equal consideration should be given to replacing it with a rectangular dining facility at the center of campus.

The desire for a centrally located dormitory and dining option also entails the ability to park adjacent to these facilities. If one were living in the center of campus, there would still be a need to drive to the Peterson Family Athletic Complex, Bicentennial Hall, and other, more remote facilities and activities. For example, one student wants to take a class that involves going to the College's barn; another takes a language class that meets in a house that has been converted to classroom use.

The dining facilities benefit faculty and staff. Currently McCullough is the only central dining option. Although not voiced as frequently by employees as by students, a centralized dining option was preferred by some faculty and staff with disabilities.

The master planning process is a timely opportunity to address developing options for core campus facilities within the central campus.

Recommendation #6: Develop and maintain one, fully accessible dormitory, classroom building, dining hall, and student center on the central campus

1. Through alteration or new construction, develop a fully accessible dormitory and dining facility(ies) on the main campus.
2. Modify McCullough dining options so that students' dining cards can be used at McCullough.

Finding #7: The Campus Offers Few Non-Visual Cues For People with Limited Sight.

KMA interviewed two students with significant vision loss. Each student has some residual sight; nonetheless one uses a service dog and the other uses a white cane to navigate. Both remarked on the lack of non-visual cues throughout the campus, including:

- No detectable warnings where walkways cross streets/drives;
- Very little lighting;
- Indistinguishable building sounds;
- Difficulty using the newer dining halls because of their irregular shape and layout.

Although the ADA's accessible design standards have limited requirements that benefit people with sight limitations, a growing number of 'universal design' considerations improve the environment for people in general.

Recommendation #7: Improve the campus environment for people with visual impairments:

1. Install increased night lighting that illuminates pedestrian pathways and building entrances.
2. Install detectable warnings at all curb cuts and wherever a pedestrian path crosses a vehicular path.
3. Install a few, distinct audible and aromatic orientation points. The audible cues can be predictable building sounds, such as HVAC, or sculptures that incorporate sound or music. Aromatic cues typically come either from dining halls, laundry facilities, or landscape.
4. Make www.middlebury.edu accessible by meeting the '508' standards¹⁰.

Finding #8: Recent Campus Construction Is Almost (But Not Fully) Compliant.

Campus facilities that have been newly constructed or altered on campus are substantially – but not *fully* - compliant with the minimum accessible design and construction standards of the *Americans with Disabilities Act* (ADAAG). These

¹⁰ 508 standards for accessible website design are available, along with technical assistance, at www.access-board.gov.

errors are not uncommon. Nonetheless, they can be reduced. As *minimum* standards for accessibility, Middlebury can expect better performance from design professionals, contractors, and tradespeople.

Some of the most common errors on campus include:

- Inadequate number of accessible entrances;
- Doors are too heavy to open independently;
- Inadequate clear maneuvering space at doors;
- Toilet rooms with unreachable flush valves, dispensers, and coat hooks;
- Wall-mounted objects that would not be detectable by a person using a cane;
- Inaccessible emergency phones and house phones;
- Limited accessible egress doors and routes.

Although accessible design and construction standards have been in place for over 25 years, design and construction errors are still common. These errors – and the costs associated with their later removal – can be avoided, however, through diligent project management.

Recommendation #8: Develop and implement a system of design and construction management protocols that lead to the removal of existing barriers and prevention of new barriers.

1. Office of Facilities Services establish clear expectations from RFP through final payment that all design, construction, and maintenance be completed in full conformance with ADA Standards for Accessible Design (ADAAG).
2. Use standard, non-negotiable language in all design, construction, and maintenance contracts that places the responsibility for compliance on the consultant or contractor.
3. Require all design consultants and contractors to sign a certificate of compliance with the current *ADA Standards for Accessible Design* (ADAAG and Vermont's accessible design provisions incorporated into its *Rules for New Construction and for Alterations to Existing Buildings*.
4. *ADA Readily Achievable Barrier Removal Plan* to be implemented over several years based on college and US DoJ priorities.
5. *ADA Accessible Path of Travel Project Management Tools* to require, track, and document appropriate application of these requirements in alterations.
6. *ADA Accessible Design Review Protocols* to ensure full compliance in new construction and alterations. These would be used both by Middlebury

project managers as well as consulting architects, landscape architects, engineers, and contractors.

7. *ADA Construction Punch Lists* to avoid the most common accessible construction errors.

Finding #9: There Are No Emergency Evacuation Plans for People With Disabilities.

None of the faculty, staff, or students with disabilities interviewed knew what to do in case of an emergency such as fire or toxic spill in the event they were unable to evacuate independently. I repeatedly heard: *"No one has ever talked to me about that;"* and *"I don't know what I would do."*

Although there is at least one "Garaventa Evac-Chair," its location and use were not known. After further questioning, KMA was unable to confirm the existence of emergency evacuation plans for people with disabilities from dorms, offices, classrooms, etc. This is a significant oversight and potential liability.

Recent court settlements underscore the ADA requirement not to discriminate against people with disabilities in this important service – emergency services. The College should review its existing emergency evacuation plans for every building, and incorporate specific protocols for the safety and evacuation of people with disabilities. Several of the U.S. DoJ settlements with College and Universities cite the lack of these plans as a statutory compliance issue, and include requirements for development and regular practice of emergency plans for people with disabilities.

Recommendation #9: Develop emergency evacuation plans for all campus facilities that include safe facilities and protocols for people with disabilities.

1. The Public Safety Office work closely with the Americans with Disabilities Act Office to develop emergency evacuation plans for all students, faculty, and staff at Middlebury College, as well as for members of the public using more public facilities (such as Johnson, Wright, and the Center for the Arts). This will require written protocols; the purchase of equipment; training; and testing.
2. Develop an emergency evacuation plan for one building; test it; and then roll-out the approach throughout campus.
3. Train all personnel and people with disabilities annually in the procedures necessary to assure equal access to safe egress from campus facilities.

Finding #10: There is no comprehensive plan for making the campus walkways and landscape accessible for people with – and without – disabilities.

It is obvious that recent construction projects at Middlebury College are being designed and built with improved accessibility; and meeting the ADA's minimum

accessible design and construction standards is improving each *building's* accessibility. However, this approach will not yield a fully accessible *campus*.

Making individual buildings accessible through individual projects misses the broader picture of how people use the campus, i.e. how they get from place-to-place or make educational, social, and recreational choices. For example, the new College Library is a model of accessibility inside; but getting to the library was an oft-cited problem in interviews with students, faculty, and staff with disabilities. The accessible parking space is at the rear of the Library. It is close to an entrance that – *if it were open* – would be accessible. However, this rear entrance is kept locked for security purposes. A person with a disability must ring a buzzer and waiting to be let in. The wait time was cited as unpredictable and lengthy. On some occasions the buzzer was not answered at all. The net result of this alternative, locked, 'accessible' entrance is that it is not accessible at all.

Very few people with disabilities know about the Library's alternate, accessible entrance; and those who do are not willing to go through the effort to get in through this process. They are, after all, likely to be the people who need to conserve their energy, not go farther and wait longer than anyone else to get in.

The Library's front entrance plaza and doors are accessible; but getting there requires either going down a long slope from Old Chapel Rd. or up a long slope from Storrs Ave. Although one of the paths conforms to minimum ADAAG standards, it is not functionally accessible because of the distance and its out-of-the-way location in relation to standard, pedestrian and vehicular routes.

The situation is similar for Atwater Commons. It is a model of accessibility for most people inside; but accessible parking is far from the entrance; and the walkways leading to the entrance are long and steep.

The new buildings on campus are quite accessible, once inside; whereas many of the older buildings remain completely inaccessible. Voter, Munroe, and Warner Halls are important classroom buildings. When the Americans with Disabilities Office has to relocate a class for a student with a disability, it is often to Bicentennial Hall. Like most new buildings on campus, it is accessible, *once inside*. It is not, however, easy to get to on foot or by car. The same can be said for the newer dormitories. The master planning process and internal commitment to improved accessibility are the keys to improving overall accessibility.

Recommendation #10: Integrate interior building accessibility with the campus' landscape accessibility.

1. Develop a written policy articulating the college's vision for and commitment to a fully accessible network of campus walkways, parking spaces, drop off areas, and entrances by the year 2012.
2. Use the master plan to coordinate and integrate key landscape concepts of an accessible campus – centralized accessible facilities, accessible

parking and transportation, and prioritized improvements to existing buildings that will house core campus functions.

3. Provide a fully accessible entrance to the College Library by providing at least one accessible parking space adjacent to the main entrance or by resolving the security provisions that require the 'back' door to remain locked. Certain security hardware can allow easy access via prox card or finger print scans to known people with disabilities. Visitors and infrequent Library users will also need easier, more reliable access.

Finding #11: \$50M Barrier Removal Budget Estimate

Barrier removal costs are estimated at \$22M for the 30 buildings audited. These buildings represent almost 20% of the campus' buildings and almost 50% of the campus' square footage. Based on a cost of \$22.27/sq. ft. to remove existing barriers from the 30 audited facilities, KMA estimates approximately \$50M to remove architectural barriers from all of the Middlebury Campus facilities.

Recommendation #11: KMA recommends that Middlebury College establish an annual, proactive barrier removal budget to ensure full campus access within 5-7 years.

1. Inform the master planning process.
2. Establish an annual barrier removal budget.
3. Plan for prioritized barrier removal over the next 5 years.
4. Plan for ongoing maintenance, alterations, and pro-active barrier removal.
5. Compare with actual costs on a going-forward basis.

Finding #12: Middlebury College Has No Comprehensive, Universal Access Plan

The strongest element of accessibility at Middlebury College is its accommodations for students managed by the Americans with Disabilities Act Office. This is a program with a growing constituency that has developed effective protocols for anticipating and responding to the educational, social, recreational, and facilities needs of students with disabilities.

Outside this office, however, there is no clearly articulated plan to prohibit discrimination based on disability by implementing full compliance with the employment, service, facility, and transportation mandates of the ADA.

To be effective, Middlebury College may want to address these legal requirements in the context of a broader vision of *universal* access for people of all abilities to the College's campus programs, services, facilities, and community.

Most discrimination against people with disabilities at Middlebury College is unintentional. Nonetheless, it is occurring and there are limited avenues to bring about constructive and effective change. Articulating a campus-wide vision for *Universal Access Plan* and committing resources to its implementation will ensure full compliance with the ADA and make the campus a welcoming environment for people of different ages, physical abilities, and learning styles.

Recommendation #12: Develop and implement a *Universal Access Plan* that reflects the College's commitment to making all of its programs and facilities accessible for people with and without disabilities.

- Develop a comprehensive, campus-wide *Universal Access Plan* that includes:
 - A *Universal Access Vision Statement* that is adopted by the College's Board of Trustees and the senior management team.
 - Policies that affect design, construction, human resources, admissions, academics.
 - Commitment to an ADA Coordinator position with authority to oversee implementation of student, faculty, staff, and facilities objectives articulated in the *Universal Access Vision Statement*.
 - Commitment to disability awareness training for all staff and employees.
- Integrate the *Universal Access Vision Statement* into the College's overall mission statement and diversity programs.
- Commit financial and administrative resources to removing physical and communication barriers throughout the campus within 7 years.
- Publish an annual report on progress towards achieving the objectives articulated in the *Universal Access Plan*.

RECOMMENDED BARRIER REMOVAL PRIORITIES FOR THE MASTER PLAN

Middlebury College's master planning process offers an opportunity to integrate broad improvements in the campus' accessibility. There are four specific areas which can be made more accessible as the master plan is implemented in the coming years.

- 1. Accessible parking/entrances/drop-off areas.** Because getting around the campus is difficult-to-prohibitive for many of the people with disabilities on campus, it is essential that the current accessible parking spaces be redistributed and relocated adjacent to accessible entrances to campus buildings. Even where no known person with a disability currently works, lives, or studies, the *option* to provide accessible parking should remain viable.

This does not mean that there needs to be a road leading to every front entrance, or a paved parking space adjacent to the building's main entrance. It does mean that it must be possible for an employee or student with an accessible parking placard to park close to an accessible entrance he or she can open independently. The road can be one that is limited to emergency personnel *as long as the driver can access the road independently*. The parking space need not necessarily be paved, as long as it provides an adequately 'firm, stable, and slip-resistant' surface for the person with a disability. The space can be eliminated or otherwise 'masked' when not needed.

Facilities used by the wider public – performance halls, theatres, art centers, etc. – require availability of an accessible entrance and associated, nearby parking spaces. For example, the Johnson Memorial Building and Wright Memorial Theatre are both open to the general public. Each should have well-publicized and signed information about the location of accessible entrances and associated parking. When elevators are installed in these buildings, the accessible parking now located behind each building will be effective. Until then, it should be possible for a person with a disability to drive to and park near the accessible, first floor entrance.

- 2. Accessible transportation options.** The Public Safety Office offers transportation, on an as-needed basis, to students and employees with disabilities. This service, when working correctly, is effective. However, there are conditions that frequently make this service ineffective. For example, when there is a public safety 'emergency,' transportation is denied. Some Public Safety dispatchers and drivers require that a person with an invisible disability declare the nature of their disability before granting the ride. Some people with disabilities cannot walk from the Public Safety vehicle to a building entrance independently due to distance, surface conditions, or weather. Public Safety officers should be trained to provide the necessary assistance without question, even if it involves driving closer to a building than

would normally occur and even if the person's disability is not obvious. These are the 'reasonable accommodations' and 'reasonable modifications to policies and procedures' that are required under the ADA.

- 3. Centralized Campus Facilities.** Currently there is no option for a student to live, go to class, eat in a dining hall, and socialize within the central campus. As the campus expands outward from the central campus, the distances a student must travel expands beyond what many students with disabilities can travel. The result of this expansion is that students with disabilities often have to make difficult choices about what *not to do* so that they can conserve their limited energy. By providing at least one set of centralized facilities – as well as the accessible entrance, parking and transportation options described above – students with disabilities will have the option for a more equivalent college experience.
- 4. Accessible Campus.** As buildings are planned, altered, expanded, and constructed, they must be fully accessible. This is required both under Vermont state building code as well as federal civil rights law. To be accessible, however, one has to be able to get to the buildings. Accessible pedestrian routes, coordinated with accessible entrances and parking must be considered with the addition of any new facility.
- 5. Accessible Buildings.** There are several facilities that house important programs that are not accessible. Improving these facilities' accessibility must be prioritized if they are to remain in use:
 - a. Munroe Hall
 - b. Warner Hall
 - c. Johnson Memorial Building
 - d. College Library
 - e. McCullough Center
 - f. Peterson Family Athletic Complex

In addition, all accessible entrances – with automated door opening devices – should be provided at all buildings throughout the campus. The weight of doors – along with distances – was a consistent problem for students, faculty, and staff.

UNIVERSAL DESIGN GUIDELINES FOR THE MASTER PLAN

As Middlebury College develops its vision for universal access to its campus, there are several priorities which will help its immediate implementation.

- 1. Make all entrances accessible.** All though not every entrance is required to be accessible under the ADA, making all entrances accessible can substantially improve the building's accessibility for everyone. Knowing that people with disabilities often have difficulty with stamina, it is counter-productive to limit the entrances they can use to one. All entrances should be accessible.
- 2. Provide automatic door openers at all entrances.** The pressure or strength required to open most exterior doors is substantial, and is a significant barrier for many people with disabilities. Heavy exterior doors is a common problem for students and employees at Middlebury College. Making it common practice to provide an automatic door opener at every entrance – even those with stairs – will make it substantially easier for many people to use Middlebury's facilities.
- 3. All ground levels accessible.** A first step in providing a fully accessible campus includes making the ground level of every building accessible. This should provide access to significant program space as well as a toilet facility.
- 4. Lighting standards for pathways and entrances.** Most people begin to lose visual acuity beginning at the age of 40. This is a normal part of the aging process. Most people with visual impairments – of any age – benefit from well-lit spaces. Well-lit exterior pathways will prevent injury and improve safety. Providing well-lit entrances – inside and outside – makes it much easier for people to adjust to darker, interior conditions. The temporary 'blindness' caused by moving from daylight to darker, interior spaces, is particularly dangerous when there are stairs or other obstacles near the entrance.
- 5. Accessible parking and drop-off close to accessible facility entrances.** Because people with disabilities depend on their cars to get around Middlebury's campus, it is essential that accessible parking spaces be reallocated from remote parking lots to areas close to building entrances.
- 6. Pathway options with short and accessible routes.** There was little complaint about steep pathways on the Middlebury campus. Instead, people looked for the shortest distance between any two locations. This, of necessity, often requires steeper walkways. A combination of long, gently-sloped walkways and shorter-steeper walkways should link the campus, providing a choice of shorter distances as well as gentler slopes.
- 7. Accessible areas of rescue assistance for all buildings.** There is an exemption for areas of rescue assistance in buildings with supervised sprinkler systems. Nonetheless, providing these areas can substantially increase the safety of

anyone who cannot use stairs to evacuate a building. Safe emergency evacuation plans must be developed for all facilities; but where the opportunity for new construction or additions allow, areas of rescue assistance should be provided in egress stairs.

- 8. Accessible transportation available 24/7.** On-demand, accessible transportation can help mitigate against limited accessible parking near building entrances. Providing this service through Public Safety may not be the best resource, given the necessary conflicts for security personnel at unpredictable times. With proper training and protocols, the existing on-demand service could be developed into a reliable and discrete option for people with disabilities getting around campus. Once in place, there is likely to be additional demand for this service by qualified people with disabilities.
- 9. Universal Design Standards.** The Office of Facilities Service should develop a list of desired universal design features for building interiors. These will be above-and-beyond the minimum standards for accessible design required by Vermont and the ADA. Once developed, Middlebury College project managers and consulting architects and engineers will need training in their use. An important part of all universal design is the involvement of people with disabilities in the design programming and review process. This review could be coordinated through the College's ADA Office.

APPENDIX

- I Recommendations**
- II Access Issues Reports: Buildings**
- III Access Issues Report: Campus**
- IV Budge Estimates**
- V Resources**

SUMMARY OF RECOMMENDATIONS

Recommendation #1: Improve awareness of and responsiveness to the people with disabilities on campus.

1. The Human Resources Offices improve its process of responding confidentially and effectively to faculty and staff requests for accommodations on campus. The policies and procedures used by the College's Americans with Disabilities Office are a good model from which to develop employee-appropriate protocols. Once developed, these should be widely publicized for both faculty and staff, in writing and on the website.
2. Increase the number of accessible meeting spaces throughout the campus.
3. Clarify and simplify the process for employees with disabilities to obtain and use accessible parking stickers or placards. When an employee with a disability has a permanent condition, the sticker should not require renewal any more frequently than standard parking stickers are renewed.
4. Provide additional accessible parking spaces immediately adjacent to fully accessible building entrances, including but not limited to the Library, Johnson Memorial Building, Wright Memorial Theater, the Peterson Family Athletic Complex, and Warner Hall. If the security issues at the Library can be resolved to allow *independent* access at the rear entrance, then a road to the Library's main, front entrance may not be required. Having an alternative, accessible entrance is not a model, however, that is recommended for new construction.
5. Remove architectural barriers to key, public areas such as Johnson Memorial Building, Wright Memorial Theatre, Munroe Hall, and the Peterson Family Athletic Complex.

Recommendation #2. Develop an integrated system of accessible transportation, parking, building entrances, and pathways so that people with limited stamina can use the campus.

1. Centralize certain core, campus facilities so that a student can live, attend classes, eat in a school dining hall, and socialize without traveling long distances. This allows a student or faculty person to conserve strength and stamina without unduly limiting opportunities to interact with colleagues.
2. Provide additional accessible parking space immediately adjacent to fully accessible building entrances, including but not limited to the Library, Johnson Memorial Building, Wright Memorial Theater, and the Peterson Family Athletic Complex; and along College Street and Old Chapel Road.

3. Provide drop-off areas near the entrances of all campus facilities; and modify policies to allow drop-off/pick-up of people with disabilities at these entrances. Although there may not currently be vehicular drives in all of these areas, the ADA intends that a reasonable accommodation (for employees) or a reasonable modification of policies and procedures (for students and visitors) would allow a person with a disability to park and/or be dropped off at an accessible entrance.
4. Develop a reliable, on-demand or route-deviation accessible transportation system.
5. Train Public Safety Officers on protocols for providing rides to people with temporary and ongoing disabilities.

Recommendation #3: Modify vehicular routes and parking facilities and policies to allow people with disabilities direct access to all campus facilities.

1. Public Safety Office work with the Americans with Disabilities Office and Human Resources to modify its parking and public transportation policies for people with disabilities.
2. Centralize certain core, campus facilities so that a student or employee can live, attend classes, eat in a school dining hall, work, socialize without traveling long distances.
3. Reallocate accessible parking spaces immediately adjacent to fully accessible building entrances, including but not limited to the Library, Johnson Memorial Building, Wright Memorial Theater, and the Peterson Family Athletic Complex; and along College Street and Old Chapel Roads.
4. Provide drop-off areas near the entrances of all campus facilities; and modify policies to allow drop-off/pick-up of people with disabilities at these entrances.

Recommendation #4: Reallocate accessible parking spaces close to building entrances.

1. Accessible parking and drop off be available *at all buildings*. If some roads require limited vehicular access, prox card-activated gates – or other methods – should be employed to allow people with disabilities access to convenient, accessible parking adjacent to all building entrances.
2. Providing accessible parking spaces, as needed, adjacent to building entrances for specific employees as a ‘reasonable accommodation’ or for specific students as a ‘reasonable modification to policies and procedures.’ Although people with disabilities often resist being ‘singled-out’ with special privileges, it should be provided when it is the most effective solution.

3. Replicate the Center for the Arts' accessible parking/entrance adjacency at other campus facilities frequented by the general public.

Recommendation #5. Modify building entrances to be fully accessible.

1. All academic buildings have one or more accessible entrances leading to at least one floor of accessible facilities.
2. All larger dormitories¹¹ have one or more accessible entrances leading to the common areas.
3. All buildings that are open to the general public (the Library, Johnson Memorial Building, Wright Memorial Theatre, etc.) have independently accessible entrances adjacent to public (no-campus-permit-required), accessible parking spaces.
4. All (or most) entrances should be accessible. One is generally not enough.
5. All entrance doors should have automatic door openers or doors that open automatically with a prox-card reader.

Recommendation #6: Develop and maintain one, fully accessible dormitory, classroom building, dining hall, and student center on the central campus.

1. Through alteration or new construction, develop a fully accessible dormitory and dining facility(ies) on the main campus.
2. Modify McCullough dining options so that students' dining cards can be used at McCullough.

Recommendation #7: Improve the campus environment for people with visual impairments.

5. Install increased night lighting that illuminates pedestrian pathways and building entrances.
6. Install detectable warnings at all curb cuts and wherever a pedestrian path crosses a vehicular path.
7. Install a few, distinct audible and aromatic orientation points. The audible cues can be predictable building sounds, such as HVAC, or sculptures that incorporate sound or music. Aromatic cues typically come either from dining halls, laundry facilities, or landscape.
8. Make www.middlebury.edu accessible by meeting the '508' standards.

¹¹ LaForce, Hadley, Kelly, Lang, Atwater, Coffrin, Allin, Battel, Starr, Painter, Gifford, and Proctor Halls.

Recommendation #8: Develop and implement a system of design and construction management protocols that lead to the removal of existing barriers and prevention of new barriers.

1. Office of Facilities Services establishes clear expectations from RFP through final payment that all design, construction, and maintenance be completed in full conformance with ADA Standards for Accessible Design (ADAAG).
2. Use standard, non-negotiable language in all design, construction, and maintenance contracts that places the responsibility for compliance on the consultant or contractor.
3. Require all design consultants and contractors to sign a certificate of compliance with the current *ADA Standards for Accessible Design* (ADAAG and Vermont's accessible design provisions incorporated into its *Rules for New Construction and for Alterations to Existing Buildings*.
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6. *ADA Accessible Design Review Protocols* to ensure full compliance in new construction and alterations. These would be used both by Middlebury project managers as well as consulting architects, landscape architects, engineers, and contractors.
7. *ADA Construction Punch Lists* to avoid the most common accessible construction errors.

Recommendation #9: Develop emergency evacuation plans for all campus facilities that include safe facilities and protocols for people with disabilities.

1. The Public Safety Office work closely with the Americans with Disabilities Act Office to develop emergency evacuation plans for all students, faculty, and staff at Middlebury College, as well as for members of the public using more public facilities (such as Johnson, Wright, and the Center for the Arts). This will require written protocols; the purchase of equipment; training; and testing.
2. Develop an emergency evacuation plan for one building; test it; and then roll-out the approach throughout campus.
3. Train all personnel and people with disabilities annually in the procedures necessary to assure equal access to safe egress from campus facilities.

Recommendation #10: Integrate interior building accessibility with the campus' landscape accessibility.

1. Develop a written policy articulating the college's vision for and commitment to a fully accessible network of campus walkways, parking spaces, drop off areas, and entrances by the year 2012.
2. Use the master plan to coordinate and integrate key landscape concepts of an accessible campus – centralized accessible facilities, accessible parking and transportation, and prioritized improvements to existing buildings that will house core campus functions.
3. Provide a fully accessible entrance to the College Library by providing at least one accessible parking space adjacent to the main entrance *or* by resolving the security provisions that require the 'back' door to remain locked. Certain security hardware can allow easy access via prox card or finger print scans to known people with disabilities. Visitors and infrequent Library users will also need easier, more reliable access.

Recommendation #11: KMA recommends that Middlebury College establish an annual, proactive barrier removal budget to ensure full campus access within 5-7 years.

1. Inform the master planning process.
2. Establish an annual barrier removal budget.
3. Plan for prioritized barrier removal over the next 5 years.
4. Plan for ongoing maintenance, alterations, and pro-active barrier removal.
5. Compare with actual costs on a going-forward basis.

Recommendation #12: Develop and implement a *Universal Access Plan* that reflects the College's commitment to making all of its programs and facilities accessible for people with and without disabilities.

1. Develop a comprehensive, campus-wide *Universal Access Plan* that includes:
 - a. A *Universal Access Vision Statement* that is adopted by the College's Board of Trustees and the senior management team;
 - b. Policies that affect design, construction, human resources, admissions, academics;
 - c. Commitment to an ADA Coordinator position with authority to oversee implementation of student, faculty, staff, and facilities objectives articulated in the *Universal Access Vision Statement*;
 - d. Commitment to disability awareness training for all staff and employees.

2. Integrate the *Universal Access Vision Statement* into the College's overall mission statement and diversity programs.
3. Commit financial and administrative resources to removing physical and communication barriers throughout the campus within 7 years.
4. Publish an annual report on progress towards achieving the objectives articulated in the *Universal Access Plan*.